

the Office Action introduced a new ground of rejection where neither condition (1) nor (2) applies. In the outstanding Office Action, at least claims 6-9 have been newly rejected in part over U.S. Patent No. 5,619,396 to Gee et al. ("Gee"). The Gee reference, however, has not been cited in an information disclosure statement under condition (2) above. Nor was the rejection of claims 6-9 by Gee necessitated by applicant's amendment of those claims, because claims 6-9 were not amended in the Amendment and Reply filed on February 5, 2003. Accordingly, the final rejection of the claims is premature, and applicants respectfully request withdrawal of the finality.

Rejections under 35 U.S.C. § 103

Claims 1-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,377,218 to Nelson et al. (hereafter "Nelson") in view of U.S. Patent No. 5,619,396 to Gee et al. ("hereafter Gee"). Applicant respectfully traverses this rejection for the following reasons.

Claim 1

Independent claim 1 is directed to a memory card. The memory card includes a memory mass storage and both a first data interface with a contacting interface, and a second data interface with a contact-less interface. Claim 1 also includes a memory card controller for selecting a data line from the first data interface or a data line from the second data interface to communicate with the memory mass storage based on a criteria. Thus, the memory card as recited in claim 1 includes a controller that selects a data line from the first data interface (contacting) or second data interface (contact-less) to communicate with a memory mass storage, which is part of the memory card. Applicant submits that neither Nelson nor Gee disclose or suggest these features of claim 1.

Nelson, does not disclose a controller that selects a data line from the first data interface (contacting) or second data interface (contact-less) to communicate with a memory mass storage, which is part of the memory card. The Office Action on page 3 appears to read the interface 240 and RF module 210 of Nelson as the first data interface (contacting) and the second data interface (contact-less), respectively, of claim 1. Nelson, however, does not

disclose a memory mass storage on the RF device 200 or the peripheral component 108. More importantly, however, Nelson fails to suggest that even if a memory mass storage were incorporated into the peripheral component 108 or RF device 200, that the controller 230 should be configured to select between a data line from the RF module 210 and the interface 240 to communicate with such a memory mass storage. Thus, even if Nelson were modified to include a memory mass storage, there is no suggestion of using a controller that selects a data line from the first data interface (contacting) or second data interface (contact-less) to communicate with a memory mass storage, which is part of the memory card.

In fact, the Office Action also admits on page 3 that "Nelson also fails to show that there is a memory card controller for selecting a data line from the one or the other of the two available interfaces to communicate with the memory mass storage." While the Office Action then states that it is known that a PCMCIA card can be a memory card (and thus presumably contains memory storage), the Office Action never provides a disclosure or suggestion of a memory card controller that selects a data line from one or the other of the two available interfaces to communicate with the memory mass storage.

Applicant notes that the disclosure of the newly cited Gee reference is not discussed in the rejection of the claims. In any event, Gee fails to cure the deficiencies of Nelson. The PCMCIA card of Gee, however, does not include a controller that selects a data line from a first data interface (contacting) or a second data interface (contact-less) to communicate with a memory mass storage, which is part of the memory card. Gee does not disclose that the microprocessor 38 on the PCMCIA card acts as a controller to select a data line from a contacting data interface or a contact-less data interface to communicate with a memory mass storage of the PCMCIA. Thus, even if Nelson and Gee were combined, the resulting device would not meet the limitations of claim 1.

The disclosure in Nelson in Figs. 4A and 4B of a peripheral component 108 with an RF device 200 and a wireline connector 320 (col. 6, lines 15-44) also fails to suggest the invention as recited in claim 1, even if the peripheral device of Nelson were to be further modified to include a memory mass storage. This is so because the controller 230 (or any other controller) of Nelson does not select between the wireline connector 320 and the

wireless interface of the Nelson peripheral component. Instead, the controller 230 of Nelson is a component only of the RF device 200 and thus of the wireless interface as can be seen in Fig. 2 of Nelson. Therefore, even if the Nelson peripheral component were modified to include a memory mass storage, the peripheral component would not meet all the limitations of independent claim 1.

Claim 6

Independent claim 6 is directed to a method of operating a memory card. Claim 6 includes the limitation of "switching an input to a memory mass storage from a cable data interface to a contactless data interface upon detection of the predetermined signal." Nelson does not disclose a controller that selects a data line from the first data interface (contacting) or second data interface (contact-less) to communicate with a memory mass storage of the Nelson peripheral component, as discussed above with respect to claim 1, and Gee does not cure this deficiency. Thus, Nelson and Gee do not disclose or suggest the invention of claim 6.

For at least these reasons, Applicant submits that independent claims 1 and 6 are patentable over Nelson and Gee. The remaining dependent claims are ultimately dependent from either claim 1 or claim 6, and are patentable for at least the same reasons, as well as for further patentable features recited therein. Therefore, Applicant respectfully requests that the rejection of the claims under 35 U.S.C. 103 be withdrawn.

CONCLUSION

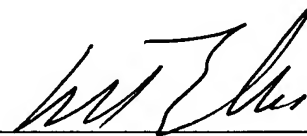
As the above-presented remarks address and overcome all of the rejections presented by the examiner, withdrawal of the rejections and allowance of the claims are respectfully requested.

If the examiner has any questions concerning this application, he or she is requested to contact the undersigned.

Respectfully submitted,

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